

## RECOUNT OF VOTES THROWN OUT

FERNANDEZ-ADAMS CONTEST NARROWS DOWN TO AN ISSUE IN WHICH THE CONTESTANT HAS TO GAIN 230 VOTES IN A COUNT OF 570 WHICH ARE ALLEGED TO HAVE BEEN ILLEGALLY THROWN OUT.

Can A. Fernandez gain 230 votes on E. R. Adams in a recount of 570 votes? Is the question into which the contest of the election of the Republican supervisor-at-large has resolved itself, since the Supreme Court has overruled the demurrers in the case and a recount is to be had. The only votes to be recounted, however, are the 570 which were thrown out, illegally as is alleged.

Fernandez' petition set forth that there were enough votes for him among these cast out, to have changed the result. They were thrown out by election officers in various precincts on account of alleged illegal markings, etc. The Supreme Court will open the ballots in all the precincts and count the

thrown out ballots over again. Those which are held to have been thrown out without cause, if any, will be counted. Fernandez needs 230 votes to beat Adams, and he will have to get these out of the 570 to be counted over again. It is said that some of them were for Adams and this may make the number to be gained by Fernandez even larger than 230.

The case has been turned over by Deputy Attorney General Peters, who has been handling it, to County Attorney Douthitt and Deputy Milverton, who will file an answer in the near future. The supreme justices are then expected to proceed to open the sealed packages containing the ballots and examine each of the thrown out ones.

## UNINSURED ARE ANXIOUS

ATTORNEY ROBERTSON HAS BEEN ASKED FOR AN OPINION AS TO THEIR LIABILITY.

Following on the decision of the Merchants' Association at yesterday afternoon's meeting, Attorney A. G. M. Robertson was this morning communicated with by Theo. F. Lansing, secretary of the association, for his opinion as to the status of the uninsured consignees of goods aboard the Alameda, supposing they should sign the "general average" bond.

Those principally interested are E. O. Hall & Son, W. H. Smith of the Manufacturers' Shoe Co., John Soper of the Hawaiian News Co., the Berstrom Music Co., the Hobson Drug Co., and W. W. Dimond & Co.

The point upon which the uninsured are particularly interested is whether their whole consignment must contribute to general average, or only the part that is saved. For instance, if a consignee had \$1000 worth of goods and half of them are lost, must he, in the final adjustment pay to general average on the whole consignment, or only on the part saved.

Some have received part shipments by the Nevada and they naturally enough wish to know if they sign the bond, if they will be forced to pay for the entire shipments, damaged or not, should they sign the bond.

There was a story abroad this morning to the effect that A. G. M. Robertson, who is attorney for the association, has stated that he would be ready with an opinion inside of an hour, but this is plainly in error.

"I am not in the habit of giving off-hand opinions," he said when asked. "The question of general average is an intricate one and will require some considerable study. I can only say that I will have an opinion ready as soon as I possibly can."

An interesting phase of the Alameda case is that of E. O. Hall & Son, who are among the uninsured.

"We have for years carried our own risks on shipments from the coast," said W. W. Hall this morning, "and

this is the first time that we have been in any position to lose anything. Of course much of the merchandise we have not received is not what could be called perishable, but then its value deteriorates from other causes. Take paints for instance, the paint is in cans and is perfectly good, but if the labels are washed off we will be unable to identify it either in color or quality. There are other goods in very much the same shape.

"As to our not insuring, we have figured it up that if we had paid insurance all along, we would have spent four times as much as we would have lost if our whole shipment had gone to waste."

### ENTERPRISE COMING HERE

W. G. Irwin and Company have been advised by cable that the S. S. Enterprise will go in the berth at San Francisco October 27 and will leave San Francisco for Honolulu direct on November 4. This arrangement will give consignees time in which to have their goods shipped before the S. S. Alameda will be ready for sea.

### JOLLY PICNIC CROWDS

Allow the subject of something to eat and drink to play a mighty important—and it is mighty important to their enjoyment, that they have Rainier Beer.

### ALWAYS GOOD.

When you partake of a meal at the Criterion you may feel sure that the materials are the best and that it is cleanly and properly cooked.

### CHAMBERLAIN'S COLIC, CHOLERA AND DIARRHOEA REMEDY.

The uniform success of this remedy has made it the most popular preparation in use for bowel complaints. It is everywhere recognized as the one remedy that can always be depended upon and that is pleasant to take. For sale by all dealers, Benson Smith & Co., agents for Hawaii.

### NEW BOOK AT ARLEIGH'S.

Arthur Johnstone's new book "Robert Louis Stevenson in the Pacific" on sale at A. B. Arleigh & Co.'s.

### PETTICOAT SALE.

This time its a sale of petticoats in our popular make-room sale. Sale continues only three days beginning Monday morning October 16. Don't miss it.

### GLEE CLUB AT ZOO.

The Kawaihau Glee Club will play and sing at the Kaimuki Zoo Sunday afternoons from 2:30 until 6 p. m. Just the music to please and satisfy you.

Automobiles can be hired day or night at Club Stables, Ford Street.

## LISTEN!

Are you in a business where you handle and have clerks that handle cash? Do you realize that the savings from mistakes during a year if you use a

### National Cash Register

will easily pay for the register? We have one style of National Cash Register that shows you, without the slightest chance of error, what clerk took in a bad coin or made an error in change. If you are interested call at

The J. A. M. Johnson Co., LIMITED

931 Fort St., Phone Main 143.

## FRANCE TO DEAL WITH CASTRO

(Associated Press Cable to The Star).

PARIS, October 17.—The cruiser Desaix has sailed for Martinique. Her voyage is the inauguration of French preparations for dealing with the Venezuelan question with a strong hand. If necessary a French fleet will follow her.

## MORE RIOTING IN ST. PETERSBURG

ST. PETERSBURG, October 17.—In an encounter here today between the police and striking government printers, forty people were injured.

## BLOW FOR CIVIL SERVICE

WASHINGTON, D. C., October 17.—An executive order just issued gives to any Cabinet officer the power to summarily remove from office civil service employees for cause that is personally known to the head of the Department.

## HELD TO RANSOM

TANGIERS, October 17.—Captain Crowther and Lieutenant Shotton, of the British Royal Marines, have been captured by bandits in Morocco. They will probably be held for ransom.

## Autograph Relics Recall Old Tragedy

THE LAST AUDIENCE OF OFFICERS OF THE LEVANT WITH THE KING BEFORE SHE LEFT ON THE VOYAGE FROM WHICH SHE NEVER RETURNED—TOGO'S SIGNATURE AS LIEUTENANT, AND MANY OTHERS, FOUND IN CAPITOL.

"Audience to the Commander of the United States to present to the King Capt. Hunt and the officers of the U. S. S. Levant, 5 July, 1860, at 11 a. m.

"Wm. E. Hunt, Comdr.

"Edward C. Strut, Lieut.

"Richd. T. Bowen, Lieut.

"J. S. Gilliam, P. A. Surgeon.

"R. L. Browning, U. S. M. C.

"James C. Moseley, Master.

"Wm. Bradley, Asst. Surgeon."

The above is one of the most interesting of the archive discoveries yet made by Librarian Lydecker of the Board of Archives. The title of his office was changed from secretary to librarian at the last meeting of the Board. The Levant signatures were found in an old book of callers' signatures, kept by the King. They are probably the last signatures written by the officers of the Levant before they left on the trip from which they never returned. The Levant sailed from here for Hilo and thence for Panama, and she has never been heard of since. This was in 1860. The date of the signatures is July 5, 1860.

The callers' books contain a lot of very valuable autographs. The books were kept for a large number of years, but have been given up lately. Keeping them is to be resumed, however. Lydecker suggested to Secretary Atkinson that keeping such a book be resumed and the matter was suggested to

Governor Carter. As a result a new book will be opened, in which callers on the executive will be invited to sign their names, as they did in the old days when they called at the palace. As the years go round Hawaii receives many distinguished callers, and the books make interesting relics.

Among the interesting signatures found in the old books is an autograph of the famous actress, Laura Keane, of the date of February 2, 1865. This is a rare signature now and commands a price among autograph fiends.

There is a signature of "Charles Beresford, midshipman," now Lord Beresford, a vice-admiral in the British navy and one of the biggest men in the empire. It was written on April 1, 1865, on the visit here on which, with some companions, he played some pranks which nearly caused trouble.

Rear Admiral Winslow, hero of the Keersage-Alabama fight, is another famous man whose autograph is on the books. There is a Lieutenant Togo, who may be the Japanese admiral of today, an Alexieff signed in the sixties, and there are many other naval, military and civil representatives of governments all over the world. The name of Rear Admiral Popoff suggests a Russian prominent in the late war.

"Sam'l L. Clemens, Correspondent," is signed on the book on April 4, 1866, showing that the great author was received by the King on that day.

## ADAMS' ORDINANCE ENFORCED TODAY

POLICE MAKE A RAID AND CAPTURE 32 CHINESE WHO WILL BE PROSECUTED UNDER NEW LAW.

The first raid under the Adams anti-gambling ordinance was made today about noon by the police. Officers Rose and Wright and a Chinese officer caught 32 Chinese in the lively stable on the Waikiki side of Liliha street, mauka of King street. The officers had to get through several barred doors. Tables and other paraphernalia thought to be for gambling were found. The defendants will be arraigned in the police court tomorrow.

## Claudine Sailed

(Special Cable, Marine Exchange.) SAN FRANCISCO, October 17.—The S. S. Claudine sailed today for Honolulu.

## DOUSE TRIAL

A private despatch from Lahaina received today in the city, states that the Douse murder trial has been put over until the 25th inst. This is the case in which Engineer Douse is accused of causing the death of a Japanese by throwing burning coal oil on him. Judge Humphreys is for the defence.

## WHAT GENERAL AVERAGE MEANS

The following explanation of General average covering marine insurance is taken from Parsons' Laws of Business:

Whichever of the three great mercantile interests—ship freight or cargo—is voluntarily lost or damaged for the benefit of the others if the others receive benefit therefrom they must contribute ratably to the loss. That is to say, such a loss is averaged upon all the interests and property which derive advantage from it. The phrase "general average" is used, because a loss of a part is thus divided among all the other parts, and is sustained by all in equal proportion. This rule in ancient and universal. It would be held to apply to all our inland navigation, whether of river or lake, steam or canvas.

There are three essentials in general average without the concurrence of all of which there can be no claim for a loss. First, the sacrifice must be voluntary; second, it must be necessary; third, it must be successful. Or, in other words, there must be a common danger (a voluntary loss, and a saving of the imperilled property by that loss. The loss must not only be voluntary, but what is indeed implied in its being voluntary, it must be for the purpose and with the intention of saving something else. And this intention must be carried into effect; for only the interest or property which is actually saved can be called on to contribute for that which was lost.

The reason of what has been said must be distinctly understood, because the whole law of general average rests upon it. It is simply this: if any man's property be destroyed for the benefit of his neighbors, they who are helped by his loss ought to make up his loss. The law supposes that all who are interested in the ship or the cargo, or any part of either, agree together beforehand, that, if a sacrifice on a part can save the rest, that sacrifice shall be made, without stopping to ask who is it that suffers in the first place; and that afterwards, if the sacrifice be beneficial to any for whom it was made, such persons shall bear their share of

it, by contributions to him whose property was purposely destroyed for their good. And their contribution shall be in proportion to the value of the property saved for them by the sacrifice.

It is the master's duty to have an average adjustment made at the first port of delivery at which he arrives. And an adjustment made there, especially if this be a foreign port, is generally held to be conclusive upon all parties. For the purpose of this rule, out States are foreign to each other; they are indeed for most purpose under the Law of Admiralty, or the Law of Shipping. And he should state the rule to be that an adjustment, when properly made according to the law of the port where it is made, is binding everywhere. But a foreign adjustment might doubtless be set aside or corrected, for fraud or gross error.

The master has the right of refusing delivery of the goods, until the contribution due from them on general average is paid to him. That is he cannot hold the whole cargo, if it belong to different consignees, until the whole average is paid; but he may hold all that that belongs to each consignee, until all that is due from that consignee is paid. And the master may retain public property belonging to the United States until the average contribution due upon it has been paid.

As the purpose of average and contribution is to divide the loss proportionably over all the property saved by it, the whole amount which any one loses is not made up to him, but only so much as will make his loss the same percentage as every other party suffers. Thus, if there be four shippers, and each has on board \$5,000, and the ship is worth \$15,000, and the freight \$5,000, and all the goods of one shipper are thrown overboard, and everything else saved; now the whole contributing interest is \$40,000, and the loss, which is \$5,000, is one-eighth of this contributory interest. The shipper whose goods are jettisoned therefore loses one-eighth of his goods, and the remaining seven-eighths are made up to him, by each owner of property saved giving up one-eighth.

## DIAMOND HEAD PEOPLE ANNOYED

COMPLAIN OF CARELESSNESS ON PART OF CAMP MCKINLEY MEN IN DUMPING RUBBISH ON BEACH

Residents along the Diamond Head section of Waikiki have been annoyed greatly by the presence of refuse and rubbish being washed along the beach. The rubbish came originally from Camp McKinley. The stuff is dumped on to the beach on the Koko Head side of Judge Dole's place. The rubbish is evidently thrown carelessly near the water, for an array of tin cans, old jumpers and odds and ends of discarded garments are constantly being found about the beach places in that vicinity. Aside from the annoyance from such things, it is thought that the presence of refuse of that description is unsanitary.

### TUMBELIN.

Tumbelin is the new game which threatens to prove a greater success than ping-pong ever did. Daily demonstration at Wall, Nichols Co., sole agents for Hawaii.

### CHARACTERISTICS.

Best goods, cheapest price, customers kindly waited upon, orders punctually filled. K. Yamamoto, wholesale merchant, Hotel street.

Lutted's Hawaiian Poi in Pound cans for sale by all druggists and grocers.

## A MATTER OF HEALTH

# ROYAL



# BAKING POWDER

Absolutely Pure  
HAS NO SUBSTITUTE

### VENTURA SAILED TODAY.

A big crowd saw the S. S. Ventura depart today for San Francisco. A number of well known people left by her. W. G. Irwin, Mrs. Irwin, Miss Helen Irwin and Miss Hyde-Smith who has been the guest of the Irwins for some months, departed for the mainland. W. F. Erving, the secretary of the Democratic territorial committee, was a departing passenger.

### L. L. McCANDLESS FOR DELEGATE

Senator L. L. McCandless is in the hands of his friends. In answer to a query this afternoon he stated that while he was not pursuing any active campaign, he would accept a nomination from the Republican party for the delegateship to Congress.

"It is not exactly fair to say that I am after the position," he remarked, "but if the party wants me to serve, I would willingly do so."

### PARKER RANCH HEARING.

Judge Lindsay is still occupied with the Parker ranch case. This morning there was more cowboy testimony about the management of the big estate.

## Standing Up Quality

Is what counts in a shoe. There are so many technical parts about the general make-up of a shoe that most people don't always know where to find imperfections. Let us explain these technicalities in a common sense way:

First. The inside making of a shoe. Second. The imitation leather counter. Third. Those cut off vamps. Fourth. Poor leather in tops. Fifth. Poor lasting of a shoe. These are some of the imperfections that are found in so many of the medium grades of shoes.

These imperfections we are proud to say, do not exist in our great "ALL AMERICA" line of shoes for men.

They have stood the test for forty years in the art of good honest shoemaking at good honest prices.

Come in and let our salesman explain in detail.

Shoe trees add to the longevity of your shoes.

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